

## REMARKS

### Status Of The Claims

This is an Amendment and Reply to the Office Action mailed June 19 , 2007, in which the following rejections were set forth: Claim 1 was provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claim 1 of copending U.S. Patent Application Serial No. 10/507,089 and apparently in view of published U.S. Patent Application No. 2001/0019004 of Sagane et al. ("*Sagane*"); Claims 1 and 2 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicant regards as the invention; Claims 1 and 2 were rejected under 35 U.S.C. 102(e) as being anticipated by *Sagane*; and, Claims 1 and 2 were rejected under 35 U.S.C. § 103(a) as being unpatentable over DE 20022634 ("*DE20022634*") in view of *Sagane*.

By this response, Claim 1 has been amended and no claims have been added or canceled. As such, Claims 1 and 2 are pending and reconsideration of the present application is respectfully requested.

### Nonstatutory Obviousness-Type Double Patenting Rejections

The present application, as well as the pending U.S. Patent Application Serial No. 10/507,089 that is being relied upon to reject Claim 1 of the present application under nonstatutory obviousness-type double patenting, are commonly owned by the same assignee—Eisenmann Maschinenbau KG. Nevertheless, Applicant submits that in view of the claim amendments and accompanying remarks set forth below, amended Claim 1 is not obvious in view of Applicant's co-pending U.S. Patent Application Serial No. 10/507,089 in combination with *Sagane*. As such, reconsideration of the provisional rejection of Claim 1 is respectfully requested.

Applicant reserves the right to provide a Terminal Disclaimer to overcome the provisional rejection of Claim 1 at a later time.

### § 112 Claim Rejections

Applicant has amended Claim 1 to more particularly point out and distinctly claim the subject matter that Applicant regards as the invention. As such, Claim 1—as well as Claim 2, which is dependent thereon—is respectfully submitted to be in condition for allowance and the Applicant requests that the rejection of the claims be withdrawn.

## § 102(e) Claim Rejections

### *Sagane*

*Sagane* discloses a conveyance apparatus for workpieces to be treated, e.g. to be painted in a painting line, in which a distinction is made between large bodies such as four-wheel cars and small bodies such as two-wheel vehicles. Previously known treatments of the large and small bodies are shown to be done in different ways wherein overhead conveyors (HC) for hanging support and floor conveyors (FC) for horizontal movement were utilized. See *Sagane*, Figs. 17A, 17B. This is in contrary to the teaching of *Sagane*, where only one type of conveyor—HC—is used for different treatment stations A, B, C, D, E and F. See *Sagane*, Fig. 1.

That is, *Sagane* utilizes a carrier 3 which may be moved on one side of conveyor 2. A rotational shaft 4 extends laterally from the carrier 3 and is rotatable by 360° around its axis. The free end of the rotational shaft 4 bears a vertical arm 5 that holds a lower part 1b of work piece 1 and, using an auxiliary stay 6, a front part 1a of work piece 1 (see *Sagane* paragraph [0085]).

Although *Sagane* arguably disclose several features of Applicant's claimed invention, *Sagane* fails however to teach a dripping zone that is disposed in a direction of motion downstream of a last bath. The Office Action relies on *Sagane*'s Fig. 8 in this respect, however no such dripping zone is shown. Rather, reference numerals 9-11 of *Sagane*'s Fig. 8 designate washing stations. See also, *Sagane*, paragraph [0080]. In addition, Fig. 1 of *Sagane* shows an electro-deposition coating C (8); see also paragraphs [0077] and [0080]. Reference numerals 9-11 again designate washing processes, and directly downstream of reference numeral 11 there is a pretreatment drying D in upright position 12 as before 11. Thus, no dripping is taught by *Sagane*.

Furthermore, *Sagane* does not teach mutually independently actuatable drives for the translational movement, the swiveling motion of the at least one swivel arm, and of the holding device. On the contrary, rotation of *Sagane*'s rotational shaft 4 is coupled to translational movement of carrier 3 in a first embodiment. See *Sagane*, Figs. 1-8 and paragraph [0091].

In a second embodiment depicted in Figs. 9-12, *Sagane* discloses a moveable—rotational—portion 30 of conveyor 2. In this instance, rotation can only occur in situations where carrier 3 rests on portion 30. That is, there is no translation of movement when rotation occurs, and thus, no mutually independently actuatable drives as required by Applicant's claimed

invention.

Similar to the second embodiment, the situation depicted in a third embodiment shown Figs. 13-16 is essentially the same; although the relative position of the work piece 1 and the carrier 3 is different with respect to the second embodiment.

In sum, *Sagane* fails to disclose or teach each and every element of Applicant's claimed invention. As such, Applicant submits that amended Claim 1—as well as dependent Claim 2—is in condition for allowance and respectfully requests that the rejection of the claim be removed.

#### § 103(a) Claim Rejections

*DE 200 23 634* in view of *Sagane*

Generally speaking, *DE 200 23 634* teaches a plant for surface treatment of automobile bodies. In contrast to Applicant's claimed invention, *DE 200 23 634* fails to disclose, at least: dripping zones downstream of the last bath; automobile bodies capable of being tilted backward—see Fig. 6, due to the cover 32; and, holding devices swivally mounted to an arm.

The Office Action apparently assumes that a treatment station having no liquids therein obviously acts as a dripping zone. See Office Action, page 6. This however is not true. On the contrary, dripping above a powder coating station, as an example, would be highly unacceptable. The same also applies for drying stations, above which a dripping process would also be unacceptable.

Furthermore, *Sagane* discloses a finishing coating E done in a spray-type booth in different positions 13-16. See *Sagane*, paragraph [0082]. Moreover, '634 does not have a drive for the swivelling motion of the holding device. In fact, '634 has one less degree of a freedom than Applicant's claimed invention. As such, none of the relied upon references disclose or suggest Applicant's mutually independently actuable drives for translational movement and the swivelling motion of the at least one swivel arm and of the holding device.

Because neither *Sagane* nor '634—alone or in combination—discloses or suggests each and every element of Applicant's amended Claim 1, Applicant submits that Claim 1, as well as depending Claim 2, is not rendered obvious by the relied upon prior art and therefore respectfully requests that the rejection of these claims be removed.

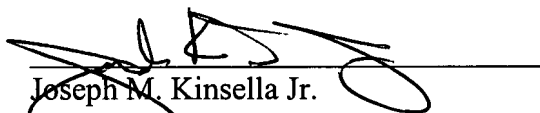
Because the combination of relied upon prior art references fails to teach, disclose, or suggest each and every element of Applicant's amended Claim 1—as well as depending Claim 2—Applicant respectfully submits that the pending claims are patentable and requests the rejection be removed and the claims be allowed to issue.

### **CONCLUSION**

In view of the above amendments and remarks, Applicant respectfully requests that all rejections be removed and all pending claims be passed to issue. Applicant believes that no additional fees are required, however if any fees are required, they may be paid out of our Deposit Account No. 50-0545.

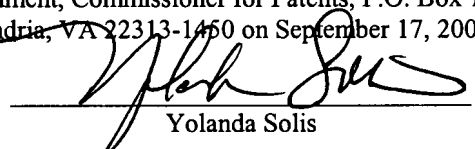
Respectfully Submitted,

Dated: September 17, 2007

  
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### **CERTIFICATE OF FIRST CLASS MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 17, 2007.

  
Yolanda Solis